G R S IX 5]

Previous references

Rel 268 16 & 1 of March 15

Sec 136 of 1917 78

1917.

File No 132-17

(Rel) Serial Nos 1, 4, 5

917/85

2

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1, 4, 5

Part B for Febr 18

SUBJECT

Orders in the matter of empowering the Presidents Municipalities under Section 556 A of Criminal Procedure Code of 1911 relating to the partition of houses &c.

R 4. G O No 5495 of 2-6-1918 to the Comptroller, Mysore Gazette Notifying that Section 144 C.P.C is to be applicable to the city limits of Bangalore & Mysore

No 5696-7. of 2. 6. 1918 to Deputy Commissioner of the Districts of the city limits of Bangalore & Mysore

W D 88—GPB—50 000—11-1-16

Radio Seal

9/4/18

G R. S III—1] 1917-18

GENERAL AND REVENUE SECRETARIAT

(Mil

NOTES

File No. 132-17

FILE HEADING

Extending the provns of Sec 54A of CPC to the Bangalore City Municipality

From

The President, Mun Council, B'lore City

No 226 Dated 6th/7th Febr 1918 Received 8th Febr 1918

Diary No 1877	Enclos -	Spare Copies -	Serial No 1

BRIEF ABSTRACT OF LETTER

States that indiscriminate pasteboarding of houses has been the cause of much insanitation in the past and is extremely undesirable and solicits issue of a Govt Note extending the provns of Sec 54A of C P Codes to the Municipality

NOTES AND ORDERS

SECRETARIAT III JUDICIAL 21 FEB 1918

(Mis 1207-17)

1) Br III is requested to note what action has been taken on the President's letter No 116 & 10 dt 10/1913 referred to in P.W.D., also to put up an extract of para 1 (4) of that communication

21/2/18

MC 17/1

NOTES—First Sheet

WD 1232—GPB—20 000—18 11 15

WI) 1233—GPB—60 000—1 12-16—S.

G. R. S III-2)

General and Revenue Secretariat

Ml File No 132 of 1917

Serial No

2) Please note when this letter was sent and in what connection to Branch and what the file No of letter is

2/1/18

Place

3) An extract from the President's letter in question obtained from Ml 296-12 relating to the amendment of the Munl Regn framed in Br III is put up

4) The reference relates to the amending the Munl Regn so as to enable the Presidents of the Munl Councils to execute Civil Court decrees for partition

D

5) Though the Munl Regn has not been amended the Civil Procedure Code has been amplified by the addn of a new section 57A by the Regn I of 1915

F

6) After the publication of this Regn the President ought to have moved as noted in Ml 268-14, 8/1 Filed March 1915

7) Now that a specific application has been received from the Bangalore City Munl Council, a draft Notification extending the provision to both the Bangalore Mysore City Munl Councils is put up

8/3/18

8) Branch for favour of perm

NOTE—Contn sheet

G R S III 2

General and Revenue Secretariat | Mil File No 132 of 1917

Serial No

GEN. & REV. SECRETARIAT
III
JUDICIAL
13 MAR 1918

the draft proposed

(III) 9/3

Subn. The words "In exercise of the powers vested in Govt by Regn I of 1915" may be inserted before instead of after the words it is hereby notified for general information that otherwise the rule seems to be alright

16/3/18

Sd 19/3

BDL)

Subt with a clean draft as above

20/3/18

(Dewan) 21/3

May be approved

(Dewan) 22-3-18

5834 22/3/18

Draft approved by the Dewan
23 3 18

Issue 23 3 18

FE—Contn sheet

G R S III 2]

General and Revenue Secretariat | Ml File No. 132 of 1917

Serial No.	
4	To The Compiler, Mysore Gazette No 5425 dt 2 4 1918 Notifies that sec 54 A of the C.P.C is made applicable to the City Munl Councils of Bangalore and Mysore. No 5426-7 dt 2 4 1918 To The Presidents of Munl Councils Fd copy of sl 4
5	From the President, Munl Council, Bangalore No 284 dt 2nd/4 April 1918 Fd a copy of judgment passed by the Bench of Magistrates, Bangalore in a case of building a ~~cow~~ partition wall without obtaining the prescribed permit and solicits early orders on sl 3. No action is now necessary on the present reference as the Notification disposing of sl 3 has issued. Seen may be filed MK 9/4 9/4/18

NOTE—Contn sheet

WD A 1789—GPB—60 000—20-8 18—S

B M 109]

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED 4-2- 1918

FROM

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, Esq, C.I.E ,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Departments,
Bangalore

No 436 dated 26th May 1917
No 441 dated 2nd June 1917
No 464 dated 23rd June 1917

SIR,

I have the honor to invite your kind attention to my letter No. 116 dated the 10th October 1913 and the marginally noted reminders thereto, soliciting the orders of Government on certain resolutions of the Municipal Council at their meeting held on the 22nd September 1913. Some of the proposals of the Municipal Council involve amending the Mysore Municipal Regulation and in your letter No 369 /L & G dated the 30th June 1917, it has been stated that the subject will receive the very early consideration of Government.

2 The question, however, of empowering the President under Articl 54A of the Civil Procedure Code (Vide para 1 (4) of the above letter) does not need legislative enactment - a mere notification of Government under the said article being all that is necessary The indiscriminate partitioning of houses has been the cause of much insanitation in the past - not to speak of the hopeless disfigurement of dwellings and the uncontrolled contiruance of the same state of affairs is extremely undesirable In a very recent case, a dwelling with a length of only 84 breadth feet

6493 GPB—2 000—20-8-17

191

From The Honorary Presidt.
Municipal Council
Bangalore City.

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Dated 4th
Despatched 7th } February 1918
Received

General No 226
No

Enclosure No —

Requesting to pass early orders to amend the Municipal Regulation empowering the President to execute court Decrees etc for possession

feet is reported to have been partitioned under the orders of the Civil Court, each part measuring 11 feet by about 84 feet The dividing wall is alleged to have been put up under the warrant of the Court in the presence of the Ameen Neither portion could possibly be fit for habitation and the Municipality had refused permission to one of the parties in the suit for putting up the dividing wall

3. The large expenditure undertaken by the Municipality year after year for City Improvement will be futile unless the necessary powers under the said article are vested in the Municipal President I request that you may be so good as to move Government to pass very early orders on this behalf.

I have the honor to be,

Sir,

Your most obedient servant,

Honorary President

C.R.G

G R S. 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

Notification

No 5495 of 1924

ml 132-17-4

In Exercise of the powers vested in Govt by Regn I of 1915, it is hereby notified for general information that the provisions of sec 54A of the Code of Civil Procedure, 1911, as amended by the Regn I of 1915, are made applicable to the City Municipal Councils of Bangalore and Mysore

By order

Rev Secy to Govt

To the Compiler, Mysore Gazette

5496-7 ml 132-17-4 Copy forwarded to the Presidents of Municipal Councils of the Bangalore & Mysore Cities.

By Order

Rev Secy

GPB—20 000—7 7 14

4

B M 109] Rev 132-77-S

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED 2-4 1918

FROM

DEWAN BAHADUR RAJA SABHA BHUSHANA
K P PUTTANNA CHETTY, ESQ, C.I E.,
Honorary President, Municipal Council,
Bangalore City

To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
~~General~~ and Revenue Departments,
Bangalore

SIR,

1427 132-77

1. Ananda Rao.
2. Gundu Rao.

In continuation of my letter No.226 dated the 7th February 1918 soliciting the early orders of Government in the matter of empowering the Presidents of Municipalities under Article 54 A. of the Civil Procedure Code relating to the partition of ~~the~~ houses, I have the honor to forward herewith for the information of Government a copy of the judgment passed by the Bench of Magistrates, Bangalore City, in Criminal Case No.945 of 1917-1918 on the file of their court, on a complaint preferred by this Municipality against the marginally noted persons for having divided their house No.252 in the Taluk Cutcherry road into ~~two~~ two narrow tenements by the erection of a wall.

2. The house is 84 feet long and 22 feet wide and a partition wall of 9" thickness has been erected lengthwise in the middle of the house so that each portion measure about 84' x 10½'. The two tenements are hoplessly devoid of ventilation and are unfit for habitation The Magistrates have acquitted the accused on the ground that they were

not

GPB—2 000—2-4-18 JJ

1917–18

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
13358 Bangalore

Dated 2nd } April 1918
Despatched 4th }
Received

General No 284 Rev
No

Enclosure No One

Requesting that early orders may be passed re empowering the Presidents of Municipalities under section 54 A of Civil Procedure Code of 1911 relating to the partition of houses

Has not arrived?

not guilty inasmuch as the partition wall was built in the presence of the Court bailiff under the orders of the Subordinate Judge, Bangalore.

3. Unless the hands of the Municipal Council are strengthened in this behalf, the efforts of the Municipal Council to promote the public health of the City will be defeated. I request that Government may be moved to pass very early orders in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

Honorary President

B.G.G.

Ex-48 S 6

In the Court of the Deputy [illegible]

at Bangalore City.

(a) Serial No. Criminal case No.945 of 1917-1918.

(b) Date of commission of offence 16th January 1918

(c) Date of report or complaint 23rd January 1918.

(d) Name of complainant (if any). Sanitary Inspector, Ranganathiengar

(e) Name, parentage, age and residence of accused.

1. Ananda Boi alias Laxmi Boi, daughter of Madhava Rao, age 35 years, Visnnava Brahmin, Siddicutta

2 Gundu Rao, son of Katte Seshagiri Rao, son of No 1 aged 17 years

(f) The offence complained of etc ,

(g) The plea of accused and his examination (if any)

(h) The finding

(i) The sentence or other final order

(j) The date on which the proceedings terminated.

JUDGMENT EMPODYING THE SUBSTANCE OF THE EVIDENCE

1. The complaint was that on 16th January 1918 the accused were partitioning their house by raising cross walls without a license from the Municipality and that they thereby committed an offence under section 96 of the Municipal regulation in force

2 Advocate Mr Appoo Rao appeared for the accused in whose behalf he said that as directed on 21st December 1917 by the Sub-Judge of Bangalore in Civil Execution case No 1243 of 1915-16 on the file of his court- 2 accused vs Katte Srinivasa Char and others- the Court Ameen Gowria got the wall in question put up, a the cost deposited by the accused in court. (Authenticated copies of Sub Judges' orders made from time to time from 21st Decmber 15 to 18th January 1918 were produced Ent D. for the perusal of the court. They are read and returned to the Advocate Mr Appoo Rao and that they did not do the erecting work of their own accord The counsel of the accused also added that both the accused and their adverse party in the execution case having agreed before the

Sub-Judge

7

Sub-Judge to the partition demarcated by a wall- both the contending parties should have been clubbed together as accused persons and brought up before the court to answer the charge

3 The accused having pleaded not guilty the complainant was examined as a prosecution witness He swore that a brick wall was when he saw being raised in the centre of the house situated by the Jatka stand on the Taluk Cutcherry road and that when he demanded the accused to show the Municipal License they said that the work was being done under the Court order He also stated that on the strength of his report the prosecution was ordered by the Municipal Council. In his cross examination the prosecution witness has clearly admitted that the court Ameen Gowria was present at the spot and said he was geeting the wall constructed as directed by the court and that in support of his statement he showed him the court warrant wherein a mention was made to the fact of Rs.10/- having been deposited in the Court on account of the expenses for the construction of the wall.

4 The Sub-Judge has on 21st December 1917 passed an order to the effect that both the parties having agreed to the partition of the house into 2 halves east to west and to the payment of cost for a partition wall being run up the division must be effected and a warrant must issue. The Judge has also stated that the lock of the house must be open if need be.

5. The arguments of Municipal Advocate Mr Ramaswamy Chetty and the accused'd council Mr Appoo Rao were heard The former stated that with the help of the court Ameen the accused have undertaken to raise the wall and as such they are liable for punishment

6. It is quite explicit from the prosecution evidence that the Court Ameen was actually present at the work going on in the house with the warrant referred to in the court order Apparently the Court bailiff under the cover of that warrant was executing the work in as much as the cost thereof has been paid by the accused

accused in the court The proper person to have been proceeded against by the complainant was the court Ameen and not the accused persons. Even the Ameen cannot be made to answer the Charge because he acted under the orders of the Sub-Judge whose action if considered to be an offence comes within the general exception contained in section 78 of the Indian Penal Code The steps taken for the prosecution by the Municipal Council are hasty.

7. For the above reasons the two accused persons before the court are not found guilty of the offence complained of and they are acquitted under section 245 Criminal Procedure Code

* C O P Y *

For Hon President